

BRIAN J. STRETCH (CSBN 163973)  
Acting United States Attorney

KYLE F. WALDINGER (ILSB 6238304)  
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor  
San Francisco, California 94102  
Telephone: (415) 436-6830  
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 08-0237 MHP  
Plaintiff, )  
v. ) STIPULATION AND [PROPOSED]  
DAVID NOSAL, ) ORDER RE-SETTING DATES AND  
Defendant. ) DOCUMENTING EXCLUSION OF  
TIME

With the agreement of the parties, the Court enters this order continuing the July 21, 2008, hearing to August 11, 2008, and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from July 21, 2008, to August 11, 2008, with respect to the defendant David Nosal. The parties stipulate, and the Court finds and holds, as follows:

1. The defendant Nosal last appeared before the Court on July 7, 2008 regarding the motion that the United States had previously filed under seal. At that time, the Court did not rule on the government's motion, and continued the matter to July 21, 2008.

2. The defendant Nosal needs additional time to confer with separate counsel prior to the parties' next appearance, and will not be able to do so before the hearing currently scheduled for July 21, 2008. Moreover, counsel for the defendant Nosal, Steven

1 F. Gruel, is unavailable for a hearing before the Court on both July 28, 2008, and August  
2 4, 2008. Accordingly, the parties jointly request that the Court re-set the hearing currently  
3 set for July 21, 2008 to August 11, 2008.

4 3. Based on the facts set out above and on the record in open court, the parties  
5 agree, and the Court so finds, that the period from July 21, 2008, to August 11, 2008,  
6 should be excluded from Speedy Trial Act calculations pursuant 18 U.S.C.  
7 § 3161(h)(1)(F), based on the government's pending motion, and pursuant to 18 U.S.C.  
8 § 3161(h)(8)(B)(iv), based on defense counsel's unavailability and the need for continuity  
9 of counsel.

10 4. Accordingly, and with the consent of the defendant David Nosal, the  
11 Court continues the hearing currently set for July 21, 2008, to August 11, 2008, and  
12 orders that the period from July 21, 2008, to August 11, 2008, be excluded from Speedy  
13 Trial Act calculations under 18 U.S.C. § 3161(h)(1)(F) and 18 U.S.C. § 3161(h)(8)(iv).  
14 SO STIPULATED.

15 DATED: July 15, 2008

BRIAN J. STRETCH  
Acting United States Attorney

20 DATED: July 15, 2008

/s/  
KYLE F. WALDINGER  
Assistant United States Attorney

21 IT IS SO ORDERED.

22 DATED: July 17, 2008

/s/  
STEVEN F. GRUEL  
Attorney for the defendant David Nosal

